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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,172	09/27/2000	Curt L. Cotner	STL920000080US1	6856

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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
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SAN JOSE, CA 95141

EXAMINER

KISS, ERIC B

ART UNIT	PAPER NUMBER
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2122

13

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/672,172

Applicant(s)

COTNER ET AL.

Examiner

Eric B. Kiss

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-13,15-21,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5,12,13,20 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-3,9-11 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 7,8,15,16,22 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 30, 2004, has been entered.

Claims 1-5, 7-13, 15-21, 23, and 24 are pending.

Response to Arguments

2. Applicant's arguments filed January 30, 2004, have been fully considered but they are not persuasive.

Applicant's arguments amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-3, 9-11, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield (USPN 4,931,928) in view of Cline et al. (USPN 5,313,616; hereafter referred to as Cline).

As per claims 1, 9, and 17, Greenfield discloses, "scanning and parsing source code . . . to determine static information." (Greenfield, col. 3, ll. 34 - 41);

Greenfield also teaches, "storing the static information in a database" (Greenfield, col. 3, ll. 41 - 45);

Greenfield also discloses, "developing relationships and dependencies responsive to the . . . information stored in [the] database" (Greenfield, col. 5, ll. 32 - 40);

Greenfield also teaches, "storing the relationships and dependencies in the database" (Greenfield, col. 3, ll. 41 - 45);

Greenfield also teaches, "query[ing] of the database to produce a set of potential candidates of computer program code" (Greenfield, col. 3, line 66, to col. 4, line 2);

Greenfield discloses, "identifying a portion of the computer program code as a . . . database stored procedure" or a "Web-enabling interface call"(Greenfield, col. 17, ll. 63 - 68).

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Greenfield does not expressly disclose the "collecting dynamic information concerning the computer program during an execution of the computer program code" and "storing the dynamic information in [a] database." However, Cline does disclose collecting run-time information for a program compiled from source code (Cline, col. 15, ll. 52 - 55). Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the static analysis of Greenfield is only half of the whole run-time profile of a program -- a whole profile which can be provided by Cline. One of ordinary skill in the art would have been motivated to do this in order to gather a complete static and run-time analysis of a given program.

As per claims 2, 10, and 18, as applied to claims 1, 9, and 17 above, the Examiner takes Official Notice that a program, interactive with a user and a database, would allow a user to modify and/or manipulate a query to be dispatched to a database. Thus, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art that a query, dispatched to a database by an user, could be 'relaxed', expanded, or constricted query selection parameters -- depending on what the user at the query interface enters. One of ordinary skill in the art would have seen that the selection criteria of a query would be entirely dependent on the input of the user and, therefore, would allow the user, by means of an interactive or threshold limit query input/generation unit, to determine if query criteria should or could be expanded or restricted.

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As per claims 3, 11, and 19, as applied to claims 2, 10, and 18 above, Greenfield discloses, "identifying a portion of the computer program code as a... database stored procedure" or a "Web-enabling interface call"(Greenfield, col. 17, ll. 63 -68).

Allowable Subject Matter

5. Claims 4, 5, 12, 13, 20, and 21 are allowed.
6. Claims 7, 8, 15, 16, 22, and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Eric B. Kiss whose telephone number is (703) 305-7737. The Examiner can normally be reached on Tue. - Fri., 7:30 am - 5:00 pm. The Examiner can also be reached on alternate Mondays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Tuan Dam, can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EBK /EBK
April 15, 2004

Hoangur Antony Nguyen Ba

**ANTONY NGUYEN-BA
PRIMARY EXAMINER**